IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7827 OF 2005

Umesh Bholenath Jadhav .. Applicant

Versus

The State of Maharashtra .. Respondent

Ms.Revati Mohite-Dere for applicant.

Mr.R.Y.Mirza, A.P.P. for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 8th December 2005.

P.C.

. Heard Ms.Dere for applicant and Mr.Mirza, A.P.P. for State.

2. Although the FIR alleges serious offences against the applicant viz., those punishable under section 376, 506 read with 34 I.P.C. Upon perusing statement of the complainant/ prosecutrix recorded by Chatushringi Police Station, it is apparent that applicant and prosecutrix were known to each otheer and had developed close intimacy. Prima facie, from the complaint which is registered on May 1, 2005 complaining about the alleged rape committed on the prosecutrix on 29th March 2005, the submission of Ms.Dere that it was aimed at stalling intending marriage of applicant with another girl, cannot be lightly brushed aside. The prosecutrix agitated by the fact that parents of applicant did not approve of her relationship and close intimacy with the applicant has lodged instant complaint after one month and two days of the alleged incident. Applicant has no criminal antecedents. He is a permanent resident of Pune and he was serving in a private company at Nigdi.

Applicant agrees to abide by such conditions as are imposed by this Court. Investigations are complete and charge sheet is filed. Hence, following order.

i) Applicant shall be released on bail in connection with C.R.No.196 of 2005 registered with Chatushringi Police Station, Pune in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) Applicant shall report to Chatushringi Police Station once in a month from 5.00 p.m. to 7.00 p.m.

iii) Applicant shall not enter Dhule district and more particularly the hostel or place of residence of complainant prosecutrix. In case of breach of this condition, it will be open for

prosecution to apply for cancellation of bail.

iv) Applicant shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) Applicant shall cooperate with the Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application disposed of.

. I am informed that prosecutrix who was at the relevant time residing at Sant Janabai Girls Hostel, Pune is now undergoing studies at Dhule in an Agriculture College and residing there. It is in these circumstances that this Court has not placed any restraint on applicant’s movement within Pune and Satara district.

(S.C.DHARMADHIKARI, J)